

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20377

Application 28631 of Bear Creek Association

P.O. Box M, Tahoe City, CA 95730

filed on December 3, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) Bear Creek

Truckee River

(2) Unnamed Stream (aka Five Lakes Creek)

Bear Creek thence

Truckee River

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE (1) NORTH 1,450 FEET AND WEST 1,800 FEET FROM SE CORNER OF SECTION 5	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	5	15N	16E	MD
DIRECT DIVERSION, REDIVERSION AND DIVERSION TO OFFSTREAM STORAGE (2) NORTH 1,560 FEET AND WEST 1,775 FEET FROM SE CORNER OF SECTION 5	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	5	15N	16E	MD

County of Placer

3. Purpose of use:	4. Place of use:	Section	Town- Ship	Range	Base and Meridian	Acre
FIRE PROTECTION						
RECREATIONAL	BEAR CREEK POND WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	5	15N	16E	MD	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 5,300 gallons per day by direct diversion to be diverted from May 1 to June 30 of each year and 6.3 acre-feet per annum by storage to be collected from November 1 of each year to April 30 of the succeeding year. The total amount of water to be taken from the sources shall not exceed 7.3 acre-feet per water year of October 1 to September 30. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 3.7 gallons per minute. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1993. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee's storage right under this permit extends only to water necessary to keep the reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000040)
13. Permittee shall not divert more than 1/3 of the streamflow from each source. (0350900)
14. All deliberate downstream releases of stored water from Bear Creek Pond shall be approved by the California Department of Fish and Game - Region 2. Permittee shall notify Region 2, telephone (916) 355-7030, at least seven days prior to anticipated releases of stored water. Permittee shall allow a designated representative of the Department of Fish and Game reasonable access to the reservoir for the purpose of testing the water in the reservoir prior to anticipated releases. (0450500)
15. In accordance with Section 1603 of the Fish and Game Code, no modification or reconstruction of the dam for Bear Creek Pond shall be started until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for such modification or reconstruction. Permittee shall also consult with the California Regional Water Quality Control Board, Lahontan Region, to determine whether a waste discharge permit will be required. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0430500)  
(0290300)
16. Permittee shall install devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the flows required by the conditions of this permit. Said measuring devices shall be properly maintained. (0060062)
17. Permittee is hereby put on notice that, because this permit is junior in priority to all other water rights in the Lake Tahoe and Truckee River Basins, including those of the Pyramid Lake Paiute Tribe of Indians, existing as of December 3, 1985, (filing date of Application 28631), the water available under this permit might be less than the full amount stated herein if the allocation of the water of the Lake Tahoe and Truckee River Basins of California under a California-Nevada Compact or under a decree of a court of competent jurisdiction is inadequate to satisfy all rights of senior priority in California. (0540800)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

OCTOBER 19 1989

STATE WATER RESOURCES CONTROL BOARD

*Roger Johnson*  
Chief, Division of Water Rights